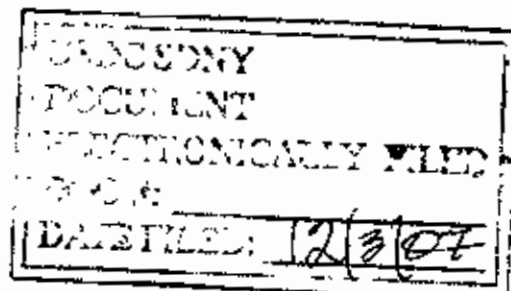


Martin S. Siegel, Esq.
direct dial (212) 709-4829
msiegel@brownrudnick.com



BROWN RUDNICK

Seven
Times
Square
New York
New York
10036
tel 2 2 209 4800
fax 2 2 209 4801

November 30, 2007

VIA FACSIMILE

The Honorable Naomi Reice Buchwald
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
Room 2270
New York, NY 10007

NOV 30 2007

UNITED STATES DISTRICT COURT

RE: Capital Beverage Corp. v. Oak Beverages, Inc., et al. - No. 07 Civ. 6063 (NRB)

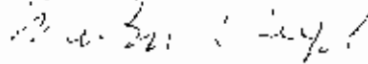
Dear Judge Buchwald:

We represent Plaintiff Capital Beverage Corporation in the above matter. Pursuant to the Court's request at the October 10 initial pretrial conference, and on behalf of all parties, we write to provide a brief update on the status of proceedings pending before the State of New York Department of Labor ("NYDOL") concerning the NYDOL's experience ratings assessment for Oak Beverages, Inc. ("Oak").

In May 2007, the NYDOL acknowledged Oak's request for a hearing to address Oak's experience ratings account. As of the date of this letter, no hearing has yet been scheduled by the NYDOL. In the absence of a hearing date, the parties to this action have mutually agreed to move forward with the case and proceed with discovery.

Accordingly, the parties respectfully propose the following schedule for the completion of discovery (pursuant to the Federal Rules of Civil Procedure), subject to the Court's consideration and approval: (1) completion of all written discovery and exchange of documents by February 15, 2008; and (2) completion of all deposition discovery by March 28, 2008. Please let us know if this schedule is acceptable to the Court.

Respectfully submitted,


Martin S. Siegel

cc: Counsel of Record

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